

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

JOSEPH RUSSELL,

Plaintiff,

- against -

THE LEGAL AID SOCIETY,

Defendant.

Docket No. CV 05 2165 (JW) (MJB)

JUDGMENT

**FILED**

IN CLERK'S OFFICE  
U.S. DISTRICT COURT, E.D.N.Y.

★ JUL 20 2005 ★

BROOKLYN OFFICE

Defendant THE LEGAL AID SOCIETY, by its attorneys, GARBARINI & SCHER, P.C., having duly moved for an Order pursuant to F.R.C.P. § 12(b)(6) and 12(c) to dismiss the Complaint, and the motion having regularly coming on to be heard before me on the 16<sup>th</sup> day of June, 2005,

NOW, upon reading and filing the Notice of Motion dated May 24, 2005, the Affidavit of Gregg D. Weinstock dated May 24, 2005, with attached exhibits and Memorandum of Law, with due proof of service thereon in support of the motion, and upon all the pleadings and proceedings heretofore had herein, and there being no opposition thereto, and the matter having come on to be heard before me for oral argument on June 16, 2005, and Christine Fernandez Cordova, Esq., a member of the firm of GARBARINI & SCHER, P.C., appearing for defendant, and JOSEPH RUSSELL, *pro se*, appearing by telephone, and upon the Decision of the Court,

NOW, on motion of GARBARINI & SCHER, P.C., it is

**ORDERED AND ADJUDGED** that the motion is granted; and it is further

**ORDERED AND ADJUDGED** that the Complaint is dismissed based upon *res judicata*, collateral estoppel, and the absence of any merit to the claim; and it is further

**ORDERED AND ADJUDGED** that this Judgment is without costs and disbursements.

Dated: Brooklyn, New York  
July 7, 2005

HONORABLE JACK B. WEINSTEIN  
United State District Judge